

# **PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
A34800-114077

First named inventor: Aldo A. Laghi

Application No.: 10/711,077

Art Unit: 3751

Filed: August 20, 2004

Examiner: Walczak, David J.

Title: SHAVING CREAM APPLICATOR

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

## **APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

### **1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

### **2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Response to Office Action mailed on November 1, 2007 (identify type of reply):

- ☒ has been filed previously on June 15, 2009.
- ☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**3. Terminal disclaimer with disclaimer fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

\_\_\_\_\_  
/Robert S. Pippenger/

Signature

\_\_\_\_\_  
September 25, 2009

Date

\_\_\_\_\_  
Robert S. Pippenger

Typed or printed name

\_\_\_\_\_  
59,008

Registration Number, if applicable

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Enclosures: ☐ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

\_\_\_\_\_  
Date\_\_\_\_\_  
Signature\_\_\_\_\_  
Typed or printed name of person signing certificate

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	Confirmation No.: 9465
Aldo A. Laghi	Art Unit: 3751
Serial No.: 10/711,077	Examiner: Walczak, David J.
Filed: August 20, 2004	
For: SHAVING CREAM APPLICATOR	

Attn: John J. Gillon Jr.  
Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RENEWED PETITION FOR REVIVAL OF AN APPLICATION FOR  
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Dear Sir:

The present communication is a renewed Petition under 37 C.F.R. 1.137 (b). The originally submitted Petition was dismissed due to lack of proper statement/showing of delay. I have firsthand a direct knowledge of the facts at issue, and have made inquiry into the below averments.

I arrived at Shumaker, a general practice firm, in February of 2008. The firm was trying to build up its Intellectual Property department, and many lawyers within the firm had been moving client patent work to Shumaker. The firm had been without a patent attorney for several months, and no docketing system was in place at the time. Many attorneys at the firm had entrusted files to the prior patent attorney, who, I believe, was the firm's first. Many of the files required attention, and additionally, within the next several months several firm attorneys transferred in files which they had been retaining in anticipation of the prior attorney's replacement (myself). We obtained power of attorney in the present application in June 2008. By October, I had

determined that a total of three applications, including the present application, had gone abandoned for failure to respond to Office Actions. I filed the petitions for two of the applications, and unintentionally neglected to file the petition for the present application.

In about late April, we began a review of files in our possession (roughly 60 files) including the present application, in order to ensure that all were entered into our new docketing system. Upon reviewing the file corresponding to the present application (early May), we determined that, contrary to what we had previously thought, no petition had been filed in the present application. Upon reviewing all other files, and determining that no other applications had been abandoned, we submitted a petition to revive in June 2009. We respectfully request the granting of the present petition.

Respectfully submitted,

Dated: September 25, 2009

/ Robert S. Pippenger/

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